
Date of Decision: 8.3.94.

OA 539/93

UNION OF INDIA & ORS. ... PETITIONERS/APPLICANTS.

Vs.

SMT. RAMA RANI ... RESPONDENT/NON APPLICANT.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Petitioners ... Shri K.C. Meena,
Law Assistant,
Departmental Representative

For the Respondent ... SHRI S.S. SHARMA.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

The present application u/s 19 of the Administrative Tribunals Act, 1985, filed by the Union of India & Ors. is directed against the impugned order passed by the Commissioner, Workmen's Compensation Act, 1923, Ajmer (for short the Act) dated 29.2.92 awarding a compensation of Rs.27,000/- with interest amounting to Rs.17,550/-, total Rs.44,550/- to Smt. Rama Rani.

2. The facts of the case are as follows. The respondent/non applicant is the widow of late Shri Ram Dass, who was serving as MSA(I) in the Western Railway at Phulera when he had collapsed at Point No.12 at Kishangarh on 12.3.81 and soon after died in a Hospital there due to heart failure. It is contended on behalf of the petitioners that the death was due to heart failure and it was not due to any accident and as such the respondent's case is not covered by the provisions of the Act. It is also pleaded that the authority under the Act had no jurisdiction to entertain the present claim. The impugned order is assailed on the ground of its being void.

3

3. We have heard Shri K.C. Meena, Las Assistant, departmental representative on behalf of the petitioners. We have also heard the learned counsel for the respondent and have carefully gone through the records.

4. The impugned order was passed by the Commissioner, Workmen's Compensation Act, 1923 on 29.2.92. However, this petition challenging the said order was presented in this Tribunal on 22.7.93, much beyond a year of the order. The learned counsel for the respondent submits that the limitation prescribed for preferring an appeal u/s 30 of the Act is 60 days. In any case the present petition is barred by limitation.

5. The learned counsel for the respondent has drawn our attention to the second proviso to Section 30(1)^(e) of the Act, which lays down that no appeal by an employer under Clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against. No such certificate by the concerned Commissioner is on the record. Even otherwise the present petition is not maintainable on merits. It is evident that the deceased actually fell ill during the course of his employment. His illness may not be external injury but it was unquestionably an injury to the heart. The object of the provisions contained in the Act is to give financial assistance to the helpless dependants of the family. We, however, feel that the impugned order passed by the learned Commissioner was justified.

6. The result is that the petition is dismissed as being not maintainable and devoid of merits. There shall be no order as to costs.

(O.P. SHARMA)
MEMBER (A)

C. Kishore
(GOPAL KRISHNA)
MEMBER (J)